

Ali, Fareed

From: Wilhite, Timothy
Sent: Thursday, April 16, 2015 11:32 AM
To: Ali, Fareed
Cc: Ebbert, Laura; russell, sara; Chan, Renee
Subject: FW: alturas end of year report
Attachments: Alturas - Grant Enforcement Warner Letter - 3-24-2015 - New DRAFT.docx

Sorry about the delay Fareed. This looks fine to me.

Tim Wilhite
Tribal Liaison, Tribal Section
Land Division, LND-3-1
U.S. Environmental Protection Agency, Region 9
1711 South Main Street
Yreka, CA 96097
530-841-4577
<http://www.epa.gov/region9/tribal/>

From: Ali, Fareed
Sent: Thursday, April 09, 2015 11:25 AM
To: Wilhite, Timothy; Ebbert, Laura
Cc: russell, sara; Chan, Renee
Subject: FW: alturas end of year report

Tim and Laura,

The letter has not gone out to Alturas yet.

Attached is the draft letter I sent to you both on 3/24/15, I will update the response due date. Can you and Tim review the draft and provide comments. I'll ensure it goes out early next week. Additionally feel free to use language from the letter for the End of Year Report, if it has not gone out already.

Fareed Ali
Grants Management Office
U.S. Environmental Protection Agency, Reg 9
75 Hawthorne Street, Mail Code: MTS-7
San Francisco, CA 94105
Tel.: (415) 972-3665
Fax.: (415) 947-3556
Email ali.fareed@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Wayne Smith
Tribal Administrator
Alturas Rancheria
P.O. Box 340
Alturas, CA 96101

Re: Grant Warning Enforcement - Alturas Rancheria– Overdrawn under General Assistance Program (Assistance ID Number: GA-00T128010)

Dear Mr. Smith:

The Alturas Rancheria is currently in the second year of a four-year General Assistance Program (GAP) grant with the U.S. Environmental Protection Agency (EPA). The grant began 10/1/2013 and is set to expire 9/30/2017. To date, EPA has provided funding for the first two years of the grant; year one covers 10/01/13 – 09/30/14 and year two covers 10/01/14 through 9/30/2015. This letter is to inform you of an “overpayment” issue in the amount of \$211,900. EPA requests your support in resolving this matter, by returning the overdrawn funds. If you need assistance returning the funds, please contact the EPA Las Vegas Finance Center.

EPA Grants Management Office and Tribal Section personnel received notification that Alturas Rancheria withdrew \$324,400.00 in two drawdowns (9/16/14: \$124,400.00 and 10/15/14: \$200,000.00). Since the Rancheria’s Program was not active and had not been active for any period of time the drawdowns would have covered, the requests for funds were apparently not based on actual expenditures (as required) and were not justified.

Per 40 CFR §31.42 (Retention and access requirements for records.) - “(e) *Access to records—*
(1) Records of grantees and subgrantees. The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.”

According to Alturas Rancheria’s programmatic reports, grant work plan activities were completed for the first year of the grant, which was funded at \$185,000. The second year of the grant was funded at \$211,900. Since the Rancheria’s Environmental Program had not been active for any portion of year two that would have been covered by the draws, the entire award amount for the second year of the grant should be returned to the EPA

Pursuant to EPA grant regulation 40 CFR §31.43 (Enforcement) - (a) Remedies for noncompliance. *If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:*

- (1) Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency,*
- (2) Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance,*
- (3) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program.*
- (4) Withhold further awards for the program, or*
- (5) Take other remedies that may be legally available.*

Please return funds in the amount of \$211,900 **no later than 4/24/2015** in order to avoid EPA initiating any of the above described enforcement actions.

Additionally, at this time the Agency is placing Alturas Rancheria on "Reimbursement" payment status, requiring prior EPA approval for grant payments. The following term and condition will be included in the Tribe's EPA grants.

Prior EPA Project Officer Approval and Source Documentation to Support Drawdown Amount (EPA Term and Condition)

The recipient must receive prior approval from the EPA Project Officer before making a drawdown from the Automated Standard Application for Payments (ASAP). To receive prior EPA Project Officer approval, the recipient must submit by email (addressed to: ali.fareed@epa.gov; wilhite.timothy@epa.gov; ortesi.marie@epa.gov) or by fax (415-947-3556; Attn: Grants Management Office, MTS-7, Fareed Ali): (1) the drawdown amount reflected on the email's subject line or fax coversheet; (2) a breakdown of expenditures by object class category (i.e., personnel, fringe, travel, equipment, supplies, contractual, other), and (3) copies of all source documents supporting the drawdown amount (e.g., accounting reports, timesheets, contract agreements, travel and training authorizations/vouchers, invoice for services rendered, bills, receipts, proof of payment such as cancelled checks, etc.).

Thank you for your prompt attention to this matter. EPA remains committed to working with Alturas Rancheria to resolve these financial/grant management issues. If you have any questions concerning this letter, please contact the EPA Project Officer, Tim Wilhite at (530) 847-4577 or whilhite.timothy@epa.gov or the Grants Specialist, Fareed Ali at (415-972-3665 or ali.fareed@epa.gov or Anna Woods, EPA Las Vegas Finance Center, at 702-798-2496 or woods.anna@epa.gov

Sincerely,

Sara L. Russell
Grants Management Officer
EPA Region 9

Enclosures

cc: Creig Marcus, Alturas Rancheria

bc: Tim Wilhite, LND-3-1
Fareed Ali, MTS-7
Renee Chan, MTS-7
Anna Woods, LVFC
Sandra Leon, ORC-2

Ali, Fareed

From: Woods, Anna
Sent: Monday, April 27, 2015 12:23 PM
To: Ali, Fareed
Cc: Chan, Renee; russell, sara; Wilhite, Timothy; Weiss, Arthur
Subject: RE: Please Review: Alturas Grant Enf Warning Letter
Attachments: Alturas - Grant Enforcement Warner Letter - 4-23-2015.docx

Hey, Fareed! I checked with Art regarding the letter. Since this is a demand for payment if you put in the interest citation and appeal rights we can use the letter as the billing document and create a receivable. Do you want to handle that way? If they don't pay in 30 days, we would send a follow up billing asking for the principal and interest. I know usually a warning letter is sent asking for corrective action (backup docs/deliverables, etc.) but in this case none can exist since their grant program wasn't even active for the second year.

What do you think, Renee? Also, maybe we should get Sandy's input on the letter?

Anna Woods
Financial Specialist, LVFC
Phone: (702)798-2496
Fax: (702)798-2423

Mailing address for FFRs:

U.S. EPA, LVFC
4220 South Maryland Parkway
Building C
Las Vegas, NV 89119

Email address for Payment Requests/FFRS: lvfc-grants@epa.gov

Visit the LVFC website at: WWW2.EPA.gov/Financial

Visit Region 9 website at: <http://www.epa.gov/region9/funding/managing.html>

IMPORTANT!!! PLEASE REMEMBER WHEN DRAWING FUNDS IN ADVANCE, YOU MAY ONLY REQUEST THE AMOUNT REQUIRED FOR IMMEDIATE CASH NEEDS. ONCE THE FUNDS ARRIVE IN YOUR BANK, YOU SHOULD HAVE CHECKS WRITTEN WITHIN 3 DAYS.

From: Ali, Fareed
Sent: Thursday, April 23, 2015 6:16 PM
To: Woods, Anna
Cc: Chan, Renee; russell, sara; Wilhite, Timothy
Subject: Please Review: Alturas Grant Enf Warning Letter

Anna,

Attached is the Grant Enforcement Warning Letter I plan to send Alturas Rancheria early next week regarding the over payment of their GAP grant. I am running this by you for review as I included the "where to send payment" address but I did NOT include the regular "interest language" as this is just a warning at this point. I

am not sure we are even required to setup a receivable at this point. I'll leave it up to you whether Art needs to review as well.

I would like to send this out by Tues 4/28, so if you can get me your comments by COB Mon 4/27 that would be much appreciated. Thanks.

Fareed Ali
Grants Management Office
U.S. Environmental Protection Agency, Reg 9
75 Hawthorne Street, Mail Code: MTS-7
San Francisco, CA 94105
Tel.: (415) 972-3665
Fax.: (415) 947-3556
Email ali.fareed@epa.gov

Ali, Fareed

From: Wilhite, Timothy
Sent: Monday, April 27, 2015 3:01 PM
To: Newton, Mimi
Cc: Ebbert, Laura; Ali, Fareed; Chan, Renee; Woods, Anna
Subject: RE: Alturas Rancheria

Hi Mimi,

Thanks so much for the link to the Article. It provides details about some issues we have been hearing about.

Regards,

Tim Wilhite
Tribal Liaison, Tribal Section
Land Division, LND-3-1
U.S. Environmental Protection Agency, Region 9
1711 South Main Street
Yreka, CA 96097
530-841-4577
<http://www.epa.gov/region9/tribal/>

From: Newton, Mimi
Sent: Monday, April 27, 2015 2:29 PM
To: Wilhite, Timothy
Subject: Alturas Rancheria

FYI -

Tiny Modoc Casino Tribe Adopts White Men in Failed Attempt to Profit
<http://www.sacbee.com/news/local/article19563546.html>

Mimi Newton
Assistant Regional Counsel
US Environmental Protection Agency
Region 9 (ORC-3)
75 Hawthorne St.
San Francisco, CA 94105
(415) 972-3941
(415) 947-3570 (fax)
Newton.Mimi@epa.gov

Ali, Fareed

From: Ali, Fareed
Sent: Thursday, May 07, 2015 11:24 AM
To: Tiwamarcus@aol.com; wayne@ardg.net
Cc: Wilhite, Timothy; Ebbert, Laura; russell, sara; Chan, Renee; Woods, Anna
Subject: EPA Grant Enforcement Warning - Alturas Rancheria (GAP: GA-00T12801-0)
Attachments: Alturas Rancheria - EPA Grant Enforcement Warning Letter - 5-7-2015.pdf

Wayne and Creig,

Please share this email with Wendy Del Rosa, Phillip Del Rosa, and Darren Rose. I will be mailing hard copies of this letter to everyone as well.

The EPA Grants Management Office and the EPA Tribal Office staff received notification that Alturas Rancheria withdrew \$324,400.00 in two drawdowns (9/16/2014 in the amount of \$124,400.00, and 10/15/2014 in the amount of \$200,000.00). It does not appear that the requests for these funds were based on actual expenditures as required by federal regulation.

Attached is a Grant Warning Enforcement Letter questioning \$211,900 of funds drawn for year 2 of the GAP grant. The letter requests Alturas provide supporting documentation for the amount in question or work with the Las Vegas Financial Center to credit back the GAP grant (GA-00T12801-0). The deadline to complete this action is by Friday, May 22, 2015.

If you have questions or require additional information contact information is included in the last paragraph of the attached letter.

Fareed Ali
Grants Management Office
U.S. Environmental Protection Agency, Reg 9
75 Hawthorne Street, Mail Code: MTS-7
San Francisco, CA 94105
Tel.: (415) 972-3665
Fax.: (415) 947-3556
Email ali.fareed@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Wayne Smith
Tribal Administrator
Alturas Rancheria
P.O. Box 340
Alturas, CA 96101

Re: Grant Enforcement Warning - Alturas Rancheria- Overdrawn funds under General Assistance Program (Assistance ID Number: GA-00T128010)

Dear Mr. Smith:

The Alturas Rancheria is currently in the second year of a four-year General Assistance Program (GAP) grant with the U.S. Environmental Protection Agency (EPA). The grant began 10/1/2013 and is set to expire 9/30/2017. To date, EPA has provided funding for the first two years of the grant; year one covers 10/01/13 – 09/30/14 in the amount of \$185,000 and year two covers 10/01/14 through 9/30/2015 in the amount of \$211,900. This letter is to inform you of questioned costs in the amount of \$211,900 related to possible overpayment on your GAP grant.

The EPA Grants Management Office and the EPA Tribal Office staff received notification that Alturas Rancheria withdrew \$324,400.00 in two drawdowns (9/16/2014 in the amount of \$124,400.00, and 10/15/2014 in the amount of \$200,000.00). It does not appear that the requests for these funds were based on actual expenditures as required by federal regulation and do not appear justified.

Pursuant to 40 CFR §31.20 Standards for financial management systems...(b) The financial management systems of other grantees and subgrantees must meet the following standards:..."(4) Budget Control. Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance..." and "(6) Source documentation. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents, etc."

According to Alturas Rancheria's programmatic reports, grant work plan activities were completed for the first year of the grant, which was funded at \$185,000. The second year of the grant was funded at \$211,900. Since the Rancheria's Environmental Program had not been active for any portion of year two, funding for year two should not have been drawn down.

EPA requests your support in resolving this matter, by providing source documentation via email for the two drawdowns dated 9/16/2014 and 10/15/2014 **to your EPA Project Officer by May 22, 2015**. These source documents may include, but are not limited to, copies of "budget vs. actual expenditure" reports, general ledger reports, personnel timesheets, etc. If these drawdowns are indeed an overpayment please contact Anna Woods of our Las Vegas Financial Center to correct the overpayment.

Pursuant to EPA grant regulation 40 CFR §31.43, if a grantee materially fails to comply with any term of an award, whether stated in Federal statute, regulation, an assurance, a notice of award or elsewhere, EPA may take one or more of the following actions:

- (1) Temporarily withhold cash payment pending correction of the deficiency by the grantee.*
- (2) Disallow all or part of cost of the activity or action not in compliance.*
- (3) Wholly or partly suspend or terminate the current grant award for the grantee's program,*
- (4) Withhold further awards, or*
- (5) Take other remedies that may be legally available.*

Thank you for your prompt attention to this matter. EPA remains committed to working with Alturas Rancheria to resolve these financial/grant management issues. If you have any questions concerning this letter, please contact the EPA Project Officer, Tim Wilhite, at (530) 847-4577 or whilhite.timothy@epa.gov or the EPA Grants Management Specialist, Fareed Ali, at (415) 972-3665 or ali.fareed@epa.gov or EPA Las Vegas Finance Center, Anna Woods, at 702-798-2496 or woods.anna@epa.gov.

Sincerely,



Sara L. Russell
Grants Management Officer
U.S. EPA Region 9

Enclosures

cc: Craig Marcus, Alturas Rancheria
Darren Rose, Alturas Rancheria
Wendy Del Rosa, Alturas Rancheria
Phillip Del Rosa, Alturas Rancheria

Ali, Fareed

From: Ali, Fareed
Sent: Thursday, May 14, 2015 8:44 AM
To: tiwamarcus
Subject: RE: EPA Grant Enforcement Warning - Alturas Rancheria (GAP: GA-00T12801-0)

Craig,

Unfortunately we're going to have to do this over the phone or email. I'm at home today (and the past couple of days) as my son is home sick. Feel free to give me a call whenever you get a break at RTOC today, on my work number below as it forwards over to my cellphone.

Fareed Ali
Grants Management Office
U.S. Environmental Protection Agency, Reg 9
75 Hawthorne Street, Mail Code: MTS-7
San Francisco, CA 94105
Tel.: (415) 972-3665
Fax.: (415) 947-3556
Email ali.fareed@epa.gov

From: tiwamarcus [<mailto:tiwamarcus@aol.com>]
Sent: Wednesday, May 13, 2015 12:17 PM
To: Ali, Fareed
Subject: RE: EPA Grant Enforcement Warning - Alturas Rancheria (GAP: GA-00T12801-0)

Hi Fareed: I am here at RTOC today and tomorrow if you want to follow up while I am here. Thanks, Creig

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Ali, Fareed" <Ali.Fareed@epa.gov>
Date: 05/07/2015 3:10 PM (GMT-08:00)
To: Tiwamarcus@aol.com, wayne@ardg.net
Cc: "Wilhite, Timothy" <WILHITE.TIMOTHY@EPA.GOV>
Subject: RE: EPA Grant Enforcement Warning - Alturas Rancheria (GAP: GA-00T12801-0)

Thanks Creig.

Fareed Ali
Grants Management Office
U.S. Environmental Protection Agency, Reg 9
75 Hawthorne Street, Mail Code: MTS-7
San Francisco, CA 94105
Tel.: (415) 972-3665

Fax.: (415) 947-3556
Email ali.fareed@epa.gov

From: Tiwamarcus@aol.com [<mailto:Tiwamarcus@aol.com>]
Sent: Thursday, May 07, 2015 2:34 PM
To: Ali, Fareed; wayne@ardg.net
Cc: Wilhite, Timothy; Ebbert, Laura; russell, sara; Chan, Renee; Woods, Anna
Subject: Re: EPA Grant Enforcement Warning - Alturas Rancheria (GAP: GA-00T12801-0)

Hi Fareed:

I forwarded the email to Wendy Del Rosa. I attached a scan of my second quarter GAP online report that was submitted on April 30th.

Sincerely,

Creig Marcus

In a message dated 5/7/2015 11:24:09 A.M. Pacific Daylight Time, Ali.Fareed@epa.gov writes:

Wayne and Creig,

Please share this email with Wendy Del Rosa, Phillip Del Rosa, and Darren Rose. I will be mailing hard copies of this letter to everyone as well.

The EPA Grants Management Office and the EPA Tribal Office staff received notification that Alturas Rancheria withdrew \$324,400.00 in two drawdowns (9/16/2014 in the amount of \$124,400.00, and 10/15/2014 in the amount of \$200,000.00). It does not appear that the requests for these funds were based on actual expenditures as required by federal regulation.

Attached is a Grant Warning Enforcement Letter questioning \$211,900 of funds drawn for year 2 of the GAP grant. The letter requests Alturas provide supporting documentation for the amount in question or work with the Las Vegas Financial Center to credit back the GAP grant (GA-00T12801-0). The deadline to complete this action is by Friday, May 22, 2015.

If you have questions or require additional information contact information is included in the last paragraph of the attached letter.

Ali, Fareed

From: Woods, Anna
Sent: Tuesday, June 23, 2015 12:03 PM
To: Ebbert, Laura; Ali, Fareed; Wilhite, Timothy; Chan, Renee
Cc: russell, sara; COYLE, BRIDGET
Subject: RE: Call From Alturas Rancheria Sean Normington, General Manager

Thanks, Laura! Who knows what is really true. I found this article as well. I wonder who BIA has recognized as the current council or what role Sean really has.

Alturas Tribe to reopen Desert Rose Casino

 Oct 3, 2014

 Tribes

Modoc Recorder

Oct. 2, 2014

On Tuesday, the General Council of the Alturas Indian Rancheria met at the Alturas Indian Rancheria Event Center in Alturas, California to overturn the alleged unlawful actions of Wendy Del Rosa and non-Tribal members and previously terminated employees, Wayne Smith and Creig Marcus, who caused the temporary closure of the Tribe's Desert Rose Casino. On Monday, Wendy Del Rosa, Wayne Smith and Creig Marcus raided the Desert Rose Casino and removed all the cash, which included Tribal funds, player funds and funds being paid to the Internal Revenue Service. This matter has been turned over to the appropriate authorities for investigation and prosecution.

Despite these alleged unlawful actions, the Alturas General Council regained control of the Desert Rose Casino within hours and secured the employees' employment and is in the process re-opening the Desert Rose Casino.

Anna Woods
Financial Specialist, LVFC
Phone: (702)798-2496
Fax: (702)798-2423

Mailing address for FFRs:

U.S. EPA, LVFC
4220 South Maryland Parkway
Building C
Las Vegas, NV 89119

Ali, Fareed

From: Shawn Normington <snormington@desertrosecasino.net>
Sent: Tuesday, June 30, 2015 3:09 PM
To: whilhite.timothy@epa.gov; Ali, Fareed; Woods, Anna
Subject: GA-00T128010 GAP Grant
Attachments: Termination Smith.pdf; Termination Marcus.pdf; Governing Body.pdf; BIA Letter2.pdf

June 30, 2015

To; Tim Wilhite, EPA Project
Officer

Fareed Ali, EPA Grants Management Specialist
Anna Woods, EPA Las Vegas Finance Center

As directed by the Business Council, the governing body of the tribe I write this correspondence in reference to General Assistance Program Grant GA-00T128010. In reference to this grant are the two draw downs of funds on 09/16/2014 and 10/15/2014 for a total sum of \$324,400.00. The funds were draw down by Wayne Smith per information provided by Anna Woods. At that time she was informed that Mr. Smith had been terminated as the Tribal Administrator on 09/10/2014 by the General Council of the Tribe.

The governing body of the tribe is requesting a complete copy of the original grant application as no records of this grant can be located. Also, the funds drawn by Mr. Smith have never been deposited into any of the lawful tribal accounts as of this date.

The tribe at this time in reference to the Grant Enforcement Warning from your office to the tribe concerning the funds drawn by Mr. Smith after his termination from his position was not authorized by the governing body. The funds were clearly EPA Federal Funds and were not Tribal funds. Therefore Mr. Smith took the funds from the EPA and not the tribe. The tribe at this time has been unable to locate or identify any improvements or project that funds from EPA would have been used for.

Please find attached Mr. Smith's Termination Notice and two Bureau of Indian Affairs determinations on who the Governing Body of the tribe is.

Shawn Normington, G.M.
Alturas Indian Rancheria

Ali, Fareed

From: Wilhite, Timothy
Sent: Monday, August 03, 2015 3:38 PM
To: Knight, Jessica
Cc: Ebbert, Laura; Ali, Fareed
Subject: Alturas expenditure data & contact information
Attachments: Scan151420008.pdf; YTD Expenditures EPA GAP 5.21.15.pdf

Hi Jessica:

I am forwarding Alturas expenditure documents so you know about how much Alturas had spent as of 05/22/2015, according to Ms. Wendy Del Rosa. The letter conveys Ms. Del Rosa's version of events that led one faction to transfer funds to a "protected" account. The Alturas letter appears to be in response to the warning letter Fareed sent on May 7.

Contact Information:

Creig Marcus
Tiwamarcus@aol.com
530-845-1340 (cell)
530-233-5571 (office)

Wayne Smith
wayne@ardg.net
530 233 3141 (office)
530 878 2202 (cell, presumably)

Regards,

Tim Wilhite
Tribal Liaison, Tribal Section
Land Division, LND-3-1
U.S. Environmental Protection Agency, Region 9
1711 South Main Street
Yreka, CA 96097
530-841-4577
<http://www.epa.gov/region9/tribal/>

From: Tiwamarcus@aol.com [mailto:Tiwamarcus@aol.com]
Sent: Friday, May 22, 2015 5:49 PM
To: Wilhite, Timothy
Cc: wdelrosa@aol.com; wayne@ardg.net
Subject: Alturas Indian Rancheria letter to USEPA

Dear Tim:

Wendy requested I email the attached documents to you in response to the letter from USEPA about the GAP grant draw down and expenditures.



May 22, 2015

Tim Wilhite
Project Officer
U.S.E.P.A. Region IX
75 Hawthorne Street
San Francisco, CA 94105
Via email: wilhite.timothy@epa.gov

Re: Year to date expenditures of General Assistance Program GA-00T128010

Dear Mr. Wilhite:

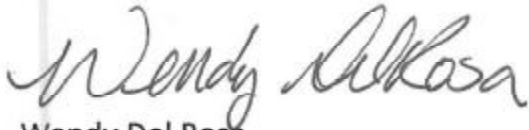
The Alturas Rancheria drew the funds for this year's GAP grant (FY14-15) to protect these federal grant funds from being misused by a rouge Tribal faction that was in the process of attempting a Tribal government overthrow. The funds were removed from the Tribe's general checking account and transferred to a new account with protected access.

I have attached a spreadsheet that shows the expenditures to date. We are planning on being able to complete most, if not all, of the work plan and deliverables by September 30th, as agreed. If we do not complete the full work plan, we understand that unexpended direct grant funding from the original award must be returned to the USEPA.

The budget expenditures and the 1st and 2nd quarter report submitted through GAP online have been examined and approved by a majority vote of the General Council, which is the governing body of the Tribe. We cannot supply bank statements from the 1st quarter expenditures since the Tribal checking account has been frozen pending resolution of the leadership dispute. As of today, no final action by any court or federal agency has made a determination of Tribal council leadership; however, the ultimate governing body of the Tribe is the General Council.

Please let me or Wayne Smith know if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Wendy Del Rosa".

Wendy Del Rosa
Tribal Secretary-Treasurer
wdelrosa@aol.com

Wayne Smith
Tribal Administrator
wayne@ardg.net
(530) 878-2202

	A	B	C	D	E	F	G
1	Alturas Indian Rancheria EPA GAP Expenditures FY 14-15 YTD 5/21/15						
2							
3	Category			Budget	Expended	Balance	
4	Personnel	ED with fringe		65,000	54,166	10,834	
5		Tech with fringe		11,700	0	11,700	
6							
7	Travel			4,375	3,000	1,375	
8							
9	Equipment	Laptop for Tech		1,750	0	1,750	
10							
11	Legal letter for ETEP			1,500	1,500	0	
12							
13	Totals			84,325	58,666	25,659	
14							
15							
16							
17							
18	Wendy Del Rosa, Tribal Secretary-Treasurer						

Ali, Fareed

From: Ali, Fareed
Sent: Tuesday, September 01, 2015 2:13 PM
To: Michelle Josilo; Woods, Anna
Cc: Leon, Sandra
Subject: UPDATE: Alturas Indian Rancheria (GAP: GA-00T128010) - drawdown issue + BIA recognized gov't
Attachments: Termination Smith.pdf; Termination Marcus.pdf; Governing Body.pdf; BIA Letter2.pdf

Anna and Michelle,

A quick update on Alturas.

I left a voicemail for John Peebles, the attorney for Alturas Rancheria, and I spoke with his paralegal this afternoon. I explained that since BIA has in the interim (for FY2015) recognized Phillip Del Rosa (Chair) and Darren Rose (Vice Chair) we are only allowed to communicate with them regarding the current issues with Alturas. Their attorney will work with Phillip and Darren to obtain a letter authorizing them to communicate with EPA. The letter will be addressed to Michelle as the Acting GMO beginning next week and will also be emailed to EPA.

Fareed Ali
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Email ali.fareed@epa.gov

EPA Region 9 Grants Website: <http://www.epa.gov/region9/funding/>

Tribal Website: <http://www.epa.gov/region09/tribal/rtoc/index.html>

INFORMATION ON GRANTS.GOV:

- www.grants.gov
- [Grants.gov Applicant User Guide](#)
- For assistance 24 hours a day, 7 days a week contact 1-800-518-4726 (closed on federal holidays).

From: Filart, Cheryl
Sent: Tuesday, September 01, 2015 8:19 AM
To: Ali, Fareed
Cc: Michelle Josilo; Woods, Anna
Subject: FW: Alturas Indian Rancheria (GAP: GA-00T128010)

Fareed – please work with Anna to handle this request, as I am not the Acting GMO.
Anna – Michelle Josilo will start officially as the Acting GMO on September 7th.

From: Woods, Anna
Sent: Tuesday, September 01, 2015 7:55 AM
To: Filart, Cheryl; Ali, Fareed; Ebbert, Laura; Wilhite, Timothy
Cc: Leon, Sandra
Subject: FW: Alturas Indian Rancheria (GAP: GA-00T128010)

Good Morning, All! I sent the below message last Thursday. John Peebles has left another message for me. I called him back to tell him we can only communicate with Phil Del Rosa (Chair) or Darren Rose (Vice Chair.) I received a voicemail message which was a law office. I assume he is their lawyer. I talked with Sandy this morning who suggests I tell him we need a letter from the current Chairman giving him the authority to communicate with EPA regarding this matter. I am guessing Cheryl is acting. Would it be okay if once the letter is prepared that they email to Cheryl? Thanks for your help!!

From: russell, sara
Sent: Thursday, July 02, 2015 2:23 PM
To: snormington@desertrosecasino.net
Cc: Ali, Fareed; Ebbert, Laura; Woods, Anna; Wilhite, Timothy
Subject: Alturas Indian Rancheria (GAP: GA-00T128010)

Mr. Normington,

Thank you for your email. Unfortunately due to the nature of the issues surrounding the Alturas Indian Rancheria's tribal government EPA can only communicate grant-related matters with the federally recognized tribal government as identified in the Bureau of Indian Affairs letter dated 4/3/2015. In that letter BIA establishes on an interim basis, Phillip Del Rosa, Chairman and Darren Rose, Vice Chairman, as the individuals the Federal Government can conduct business with. Please have Mr. Del Rosa or Mr. Rose contact EPA regarding this matter.

Respectfully,

Sara Russell

Sara Russell
Grants Management Officer
U.S. Environmental Protection Agency
75 Hawthorne St. – MTS-7
San Francisco, CA 94105
(415) 972-3663
russell.sara@epa.gov, [EPA Region 9 Grants Funding Page](#)

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For assistance 24 hours a day, 7 days a week contact 1-800-518-4726 (closed on federal holidays)

From: Shawn Normington [<mailto:snormington@desertrosecasino.net>]
Sent: Tuesday, June 30, 2015 3:09 PM
To: whilhite.timothy@epa.gov; Ali, Fareed; Woods, Anna
Subject: GA-00T128010 GAP Grant

June 30, 2015

To; Tim Wilhite, EPA Project
Officer

Fareed Ali, EPA Grants Management Specialist
Anna Woods, EPA Las Vegas Finance Center

As directed by the Business Council, the governing body of the tribe I write this correspondence in reference to General Assistance Program Grant GA-00T128010. In reference to this grant are the two draw downs of funds on 09/16/2014 and 10/15/2014 for a total sum of \$324,400.00. The funds were draw down by Wayne Smith per

information provided by Anna Woods. At that time she was informed that Mr. Smith had been terminated as the Tribal Administrator on 09/10/2014 by the General Council of the Tribe.

The governing body of the tribe is requesting a complete copy of the original grant application as no records of this grant can be located. Also, the funds drawn by Mr. Smith have never been deposited into any of the lawful tribal accounts as of this date.

The tribe at this time in reference to the Grant Enforcement Warning from your office to the tribe concerning the funds drawn by Mr. Smith after his termination from his position was not authorized by the governing body. The funds were clearly EPA Federal Funds and were not Tribal funds. Therefore Mr. Smith took the funds from the EPA and not the tribe. The tribe at this time has been unable to locate or identify any improvements or project that funds from EPA would have been used for.

Please find attached Mr. Smith's Termination Notice and two Bureau of Indian Affairs determinations on who the Governing Body of the tribe is.

Shawn Normington, G.M.
Alturas Indian Rancheria